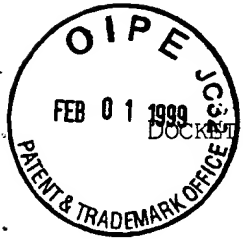


I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231 on January 26, 1999.



By

Cindi M. Preece

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Pamela R. Contag, et al.

SERIAL No.: 09/183,566

FILED: October 30, 1998

FOR: **Biodetectors Targeted to
Specific Ligands**

EXAMINER: Unknown

ART UNIT: 1643

Response to Notice to File Missing Parts of Application

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Application and the Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed October 30, 1998 (**copies attached**), applicant hereby submits the following:

- ☒ an Oath or Declaration by the inventors,
- ☒ an Assignment for recordation, with transmittal papers,
- ☒ a Power of Attorney/Exclusion of Inventor(s) of the Assignee,
- ☒ a Verified Statement Claiming Small Entity Status of the Assignee of the above-captioned application,
- ☒ a Sequence Listing,
- ☒ a computer-readable copy (floppy disc) thereof,

- ☒ a statement confirming matching of printed and computer-readable text, and
- ☒ a Preliminary Amendment to the subject application.

Also enclosed is a check for \$544.00 which includes payment of the basic filing fee (\$380.00) (small entity); Additional Claim Fees of (\$44.00); Surcharge for late filing of declaration (\$65.00) plus the fee (\$40.00) for recording the enclosed Assignment.

Please charge any underpayment (or credit any overpayment) of fees to Deposit Account No. 50-0652. A duplicate copy of this Response is attached.

Respectfully submitted,

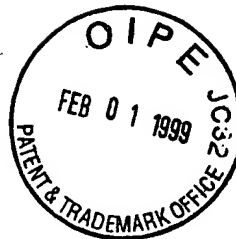


Charles K. Sholtz
Registration No. 38,615

Date: 1/26/1999

Correspondence Address:
Xenogen Corporation
860 Atlantic Avenue
Alameda, CA 94501
(510) 291-6135

Practitioner's Docket No. PXE-002P1.US



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Contag, Pamela R.
Serial No.: 09/183,566
Filed on: October 30, 1998
Title: *Biodetectors Targeted to Specific Ligands*

**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(b))—SMALL BUSINESS CONCERN**

I hereby state that I am an official of the small business concern empowered to act on behalf of the concern identified below:

Xenogen Corporation
860 Atlantic Avenue
Alameda, CA 94501

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above, with regard to the invention described in the application identified above.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Pamela R. Contag
President, Xenogen Corporation

Pamela R. Contag
SIGNATURE

Date 1/18/99